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RUEHUL/AMEMBASSY SEOUL 0514  
RUEHKO/AMEMBASSY TOKYO 1530  
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RUEAWJA/DEPT OF JUSTICE WASHDC  
RHEFAAA/DIA WASHDC  
RUEKJCS/JOINT STAFF WASHDC  
RHEHNSC/NSC WASHDC 1012  
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STATE FOR SCA/CEN, CA/OCS  
FRANKFURT FOR REGIONAL CONSULAR OFFICER

E.O. 12958: DECL: 04/03/2034

TAGS: [PGOV](#) [PREL](#) [CASC](#) [KZ](#)

SUBJECT: KAZAKHSTAN: APPEALS COURT HANDS DOWN SUSPENDED  
SENTENCE IN PEACE CORPS VOLUNTEER CASE

REF: A. ASTANA 0547 (NOTAL)

- [1](#)B. ASTANA 0443
- [1](#)C. ASTANA 0381
- [1](#)D. ASTANA 0373
- [1](#)E. ASTANA 0175
- [1](#)F. ASTANA 0135
- [1](#)G. ASTANA 0055
- [1](#)H. 08 ASTANA 2576
- [1](#)I. 08 ASTANA 2410 (NOTAL)

Classified By: Ambassador Richard E. Hoagland, Reasons 1.4 (B) and (D)

[1](#)1. (C) SUMMARY: On April 3, an Ust-Kamenogorsk appeals court reaffirmed the criminal conviction against Peace Corps volunteer Anthony Sharp -- but, in accordance with the Kazakhstani government's commitment to us, suspended his two-year prison sentence, essentially putting him on probation for two years. Sharp was immediately permitted to travel to Almaty, where he arrived late afternoon on April 3.

Sharp's attorneys will request that Sharp be allowed to depart the country. Completing all the procedures for Sharp to do so may take two to three weeks. END SUMMARY.

COURT REAFFIRMS CONVICTION, BUT SUSPENDS SENTENCE

[1](#)2. (C) An appeals court in Ust-Kamenogorsk, the capital of East Kazakhstan oblast, held an appellate hearing on April 3 regarding the criminal case against Peace Corps volunteer Anthony Sharp, who was convicted on explosives charges on February 26 and sentenced to two years in prison. Sharp attended the hearing, together with his attorneys, Consular Chief, and Peace Corps Country Director.

[1](#)3. (C) Oral arguments before the three-judge panel lasted 30 minutes, and Sharp made his own very brief statement to the court in which he did not admit any guilt, but essentially apologized for what had happened. After 20 minutes of deliberations, the judges reaffirmed Sharp's conviction as well as a fine against him of 254,600 tenge (approximately \$1700), but suspended the prison sentence, effectively putting him on probation for two years. The appeals court's decision also freed Sharp to travel within Kazakhstan. He departed several hours after the ruling by plane for Almaty, arriving there late afternoon April 3. For the interim,

Sharp is residing in Almaty with the Peace Corps Country Director.

#### NEXT STEPS

¶4. (C) According to Sharp's attorneys, the Ust-Kamenogorsk appeals court has three days to transmit its ruling to the trial court in Ridder. Once the decision is received in Ridder, Sharp will have to travel back there, probably just for a day, to pay his fine. At that time, his attorneys will file a motion to transfer Sharp's probation case to Almaty. After the case is transferred, the attorneys will make a request to the Almaty probation authorities that Sharp be allowed to depart the country. We understand that these procedures may require two to three weeks to complete.

¶5. (S) COMMENT: With Sharp's suspended sentence, the government has essentially followed through on its commitment to us. We can only presume that President Nazarbayev himself was the decider, siding in the end with Foreign Minister Tazhin and his other liberal advisors -- who understood the damage the case could cause the bilateral relationship -- and against the Committee for National Security (KNB), which likely cooked up this provocation against Sharp in the first place. (See ref A for details on the Ambassador's March 30 discussion of Sharp's case with Nazarbayev.) At this point, we have no reason to believe that there will be any further impediments to Sharp's departure from the country within several weeks. END COMMENT.  
HOAGLAND